

1 DEBORAH G. LEVINE  
State Bar No. 57607  
2 Law Offices of Deborah G. Levine  
1299 Newell Hill Place, Suite 300  
3 Walnut Creek, CA 94596  
(925) 933-5100

4 Attorney for KIRK LOUDER  
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7 **UNITED STATES DISTRICT COURT**  
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
9 **OAKLAND DIVISION**

10 THE UNITED STATES OF AMERICA, ) **Case No. CR 12-00629 YGR**  
11 )  
12 Plaintiff, ) **STIPULATION AND**  
13 vs. ) **ORDER FOR**  
14 KIRK LOUDER, ) **CONTINUANCE**  
15 Defendant. )

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17 The status conference in this case is currently set for May 30, 2013. Defendant's motion to  
18 suppress is presently pending. The parties have reached a tentative plea agreement and expect to  
19 finalize this agreement soon but cannot do so in advance of the hearing scheduled for May 30, 2013.  
20 Consequently, the parties are requesting a continuance in order to finalize their agreement and wish  
21 to set the matter for a change of plea on June 27, 2013 at 2 p.m. and ask the Court to order:

- 22 1. This matter shall be set for change of plea on June 27, 2013 at 2:00 p.m.
- 23 2. The parties agree that time should be excluded under the Speedy Trial Act, 18  
24 U.S.C. § 3161, from May 30, 2013 to June 27, 2013. Failure to grant the requested  
25 continuance would unreasonably deny defense counsel time to complete the plea  
26 agreement and assess its merits in light of the pending motion to suppress.
- 27 3. Given these circumstances, the Court finds that the ends of justice served by  
28 excluding the period between May 30, 2013 through June 27, 2013, outweigh the best

1 interest of the public and the defendant in a speedy trial. 18 U.S.C. §3161(h)(7)(A).  
2 Furthermore under 18 U.S.C. §3161 (h)(D) delay resulting from a pre trial motion to  
3 suppress is not counted in the speedy trial clock.

- 4 4. Accordingly, and with the consent of the defendant, the Court orders that the period  
5 from May 30, 2013 to June 27, 2013, be excluded from the Speedy Trial Act  
6 calculations under 18 U.S.C. §3161(h)(7)(A) and (h)(D).

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10 IT IS SO STIPULATED:

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12 Dated: May 29, 2013

13 /s/  
14 RANDALL LUSKEY  
Assistant United States Attorney

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16 Dated: May 29, 2013

17 /s/  
DEBORAH G. LEVINE  
Attorney for Kirk Louder

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3 **ORDER**

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5 UPON STIPULATION OF THE PARTIES AND FOR GOOD CAUSE SHOWN, it is here  
6 by ordered that the status conference currently scheduled for May 30, 2013 may be continued to  
7 June 27, 2013 at 2:00 p.m. for change of plea.

8 IT IS FURTHER ORDERED that time is excluded based upon the defendant's need for  
9 adequate preparation and continuity of counsel according to the provisions of the Speedy Trial  
10 Act, 18 U.S.C. §§3161(h)(7)(A) and (h)(D). The Court finds that the interests of justice served by  
11 the granting of this continuance outweigh the best interests of the public and the defendant in a  
12 speedy trial and failure to grant the continuance would unreasonably deny counsel the reasonable  
13 time necessary for effective preparation, taking into account due diligence.

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16 Dated: May 29, 2013

  
YVONNE GONZALEZ ROGERS  
DISTRICT COURT JUDGE